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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,356	12/28/1999	Erkki Tanskanen	006064/00014	9889
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SCHEEF & STONE, L.L.P. 5956 SHERRY LANE SUITE 1400 DALLAS, TX 75225				
			EXAMINER LONSBERRY, HUNTER B	
			ART UNIT 2611	PAPER NUMBER 18

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/473,356

Applicant(s)

TANSKANEN, ERKKI

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 6/9/04 have been fully considered but they are not persuasive.

1) Applicant argues that Tracton does not teach transmitting a command via a wireless interface.

Regarding applicant's argument 1, Traction discloses a system in which a client device accesses a web page on a server, to select MPEG content for display, the device transmits information regarding its processor and available bandwidth, and an appropriate MPEG stream is transmitted to the device or the webpage itself tests the client device to determine its capabilities and then sends a scaled MPEG stream, the client device may be a cell phone (column 4, lines 14-column 5, line 46, line 66-column 6, line 7column 7, line 14-54). As Traction discloses the use of a cell phone to browse webpages, and does not disclose any other network interface between server 100 and client 102 other than Internet 104 (Figure 4), Traction must utilize a cellular phones wireless interface to transmit commands to the server. The examiner has relied upon del Val and Shen to teach altering presentation characteristics, in particular via the use of a trick play command. Modifying Tracton to transmit the commands of del Val and Shen would result in utilizing the wireless interface of Tracton to transmit the command.

2) Applicant argues there is not motivation to combine the references.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Tracton discloses a cell phone which displays webpages and video, but does not disclose a fast forward, rewind, stop, reverse or any other command which alters how the video is displayed. Del Val discloses the use of commands transmitted via HTTP to alter the presentation of the video to a device. Combining Tracton with del Val would enable a user to rewind to view interesting portions of a video, for example watching a sports play, or fast forward through portions of a video which a user does not find interesting, for example, fast forwarding through commercials is well known in the art. Modifying the combination of Tracton/del Val with the synchronization of Hinderks would prevent the audio and video of a program from being desynchronized, which would render a program unwatchable.

3) Applicant requests references to substitute for the examiners official notice.

Regarding applicant's argument 3, U.S. Patent 6,434,748 has been substituted for the examiner's official notice.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378 to Tracton in view of U.S. Patent 6,128,653 to del Val, U.S. Patent 6,049,551 to Hinderks and U.S. Patent 6,434,748 to Shen.

Regarding claims 1, 9, 17, 25, 33, and 41, Tracton discloses a number of scalable webpages and scalable MPEG video content which is delivered to users over a network from a server, based upon the users connection speed, that is, a lower connection speed, such as a user with a 56k modem receives a lower bitrate copy of the media than a user with a landline 1.5Mbbs connection, a user may utilize a java enabled web browser on a mobile phone to download lower bitrate content (Figures 5/6, column 4, line 33-column 5, line 46, column 7, line 15-column 8, line 5). Tracton inherently transmits control commands via a wireless interface as Tracton discloses a user using a cell phone. Tracton inherently makes use of a video display, power supply and input device within a cell phone as all three are required to operate a cell phone and view content.

Tracton does not disclose transmitting a control command to alter presentation characteristics of received motion video or synchronizing a

Art Unit: 2611

sequence of video images with an audio track or a command to maintain synchronization between audio and video data.

del Val discloses a web browser plugin which enables a web browser to transmit HTTP commands which enable a user to manipulate a video stream, for example stop, play rewind, fast forward and pause (column 9, line 12-column 10, line 11).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Traction to utilize the HTTP video manipulation commands of del Val thereby enabling a user to re-watch part of an MPEG segment they were interested in.

del Val does not disclose a synchronization command or a subsequent command to change the presentation characteristics.

Hinderks discloses a system in which mpeg audio and video are synchronized together via a time stamp 456 (column 3, line 1-column 4, line 5), multiple languages may be offered for a program, carried in different packet streams, all associated with the same video signal (column 12, line 46-column 14, line 40). Hinderks inherently contains a synchronization command to keep the multiple audio streams synchronized with the same video stream, otherwise a user who changes languages for a program would find an audio stream which would be out of sync with the video, thus rendering the program unwatchable.

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Traction and del Val to utilize multiple audio streams synched to a video stream as taught by Hinderks thereby enabling a user to hear

Art Unit: 2611

audio in a language they understand which is associated with a video they are watching without losing synchronization.

Hinderks does not disclose changing presentation characteristics.

Shen discloses a VCR like trick mode, which enables a user to have VCR like functionality to pause, rewind, or fast forward an on demand video stream (column 3, lines 22-35, column 4, line 61-column 5, line 55, column 6, line 53-column 7, line 61, column 8, line 60-column 9, line 2, column 10, line 60-column 11, line 13).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Tracton, del Val, and Hinderks to include the trick play functionality of Shen thus enabling a user to view a program while the user manipulates the video, thus enabling a user to rewind if they see an interesting segment while fast forwarding.

Regarding claims 2, 15, 18, 26, 34, 42 Tracton discloses a number of scalable webpages and scalable MPEG video content which is delivered to users over a network, including cell phone users. Tracton's data stream inherently utilizes a plurality of Intra frames as Tracton utilizes MPEG 1-4 video. Hinderks discloses a system in which mpeg audio and video are synchronized together via a time stamp 456 (column 3, line 1-column 4, line 5), multiple languages may be offered for a program, carried in different packet streams, all associated with the same video signal (column 12, line 46-column 14, line 40). Hinderks inherently contains a synchronization command to keep the multiple audio streams synchronized with the same video stream, otherwise a user who changes

languages for a program would find an audio stream which would be out of sync with the video, thus rendering the program unwatchable.

Regarding claims 3-7, 10-14, 19-23, 27-31, 35-39, and 43-47, del Val discloses a web browser plugin which enables a web browser to transmit HTTP commands which enable a user to manipulate a video stream, for example stop, play rewind, fast forward and pause (column 9, line 12-column 10, line 11). Tracton/del Val does not disclose multiple control commands, a second video stream or synchronization commands.

Hinderks discloses a system in which mpeg audio and video are synchronized together via a time stamp 456 (column 3, line 1-column 4, line 5), multiple languages may be offered for a program, carried in different packet streams, all associated with the same video signal (column 12, line 46-column 14, line 40). Hinderks inherently contains a synchronization command to keep the multiple audio streams synchronized with the same video stream, otherwise a user who changes languages for a program multiple times would find an audio stream which would be out of sync with the video, thus rendering the program unwatchable.

Shen discloses a VCR like trick mode, which enables a user to have VCR like functionality to pause, rewind, or fast forward an on demand video stream, a user may pause video, than then issue a second command to resume the video, multiple video data streams are transmitted (Figure 3, column 3, lines 22-35, column 4, line 61-column 5, line 55, column 6, line 53-column 7, line 61, column 8, line 60-column 9, line 2, column 10, line 60-column 11, line 13).

Art Unit: 2611

Regarding claims 8, 16, 24, 32, 40, 48, Tracton discloses a number of scalable webpages and scalable MPEG video content which is delivered to users over a network, based upon the users connection speed, that is, a lower connection speed, such as a user with a 56k modem receives a lower bitrate copy of the media than a user with a 1.5Mbs connection, a user may utilize a java enabled web browser on a mobile phone to download lower bitrate content (Figures 5/6, column 4, line 33-column 5, line 46, column 7, line 15-column 8, line 5). Tracton inherently utilizes a digital cellular telephone network with digital base stations as a digital network is required for transmitting MPEG video and web content.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,487,642-B1 to Duruoz: Command Manager.

U.S. Patent 5,923,755 to Birch: Multiservice Data Receiver Architecture.

U.S. Patent 5,579,239 to Freeman: Remote Video Transmission System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax

Art Unit: 2611

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



VIVEK SRIVASTAVA
PRIMARY EXAMINER